IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 22ND NOVEMBER 2006 / 1ST AGRAHAYANA 1928

WP(C).No. 28650 of 2006(I)
---

PETITIONER:
---

BINESEH THOMAS,
KOCHUPARAMBIL HOUSE, KOSAVANVAYAL P.O.
THIRUR, KANNUR.

BY ADV. SRI.K.J.JOMSON

RESPONDENTS:
---

1. STATE OF KERALA, REPRESENTED BY THE
CHIEF SECRETARY, SECRETARIAT, THIRUVANANTHAPURAM.

2. THE ENTRANCE EXAMINATION COMMISSIONER5,
OFFICE OF THE KERALA, GOVERNMENT ENTRANCE
EXAMINATION COMMISSIONER, SANTHI NAGAR,
THIRUVANANTHAPURAM.

3. P.K.M.COLLEGE OF EDUCATION,
MADAMPAM, KANNUR, REPRESENTED BY ITS MANAGER,
BISHOP MAR JOSEPH PANDARASSERIL, SREEPURAM
BISHOPS HOUSE, PALLIKUNNU P.O. KANNUR.

4. THE VILLAGE OFFICER,
KALLIAD VILLAGE OFFICE, KALLIAD,
TALIPARAMBA TALUK, KANNUR.

R1,2&4 BY G.P. SRI.I.V.PROMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 22/11/2006, ALONG WITH WPC NO. 28521 OF 2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

.....

W.P.(C) Nos.28650 & 28521 of 2006

.....

Dated this the 22nd day of November, 2006.

JUDGMENT

The question raised in both the cases is whether community certificate is required to be issued by the Tahsildar or whether the certificate issued by the Parish Priest is sufficient. The college where admission sought is run by the Knanaya Catholic community. There is no dispute that memebers of the community are the persons eligible for admission in the 10% community quota reserved in the college. I feel the Tahsildar is justified in declining certificate as he has no mechanism to find out what is the faith of the parishioner and to which denomination of the Christian community he belongs. I am of the view that the Parish Priest is the right authority to certify the denomination or the community to which the applicant belongs. Moreover, it is a matter of settlement of dispute if any only among community members. The church has it's own hierarchy to settle disputes if any. In the circumstances, I declare that the management can give admission in the community quota provided for Knanaya Catholics based on certificate issued by the Parish Priest. The W.P. is disposed of as above.

C.N.RAMACHANDRAN NAIR
Judge

pms